

FY 2020-21 BUDGET QUESTION

Response to Request for Information

DEPARTMENT(S): Austin Police

REQUEST NO.: 81

REQUESTED BY: Pool

DATE REQUESTED: 7/31/20

DATE POSTED: 8/6/20

REQUEST: Please describe the responsibilities and functions of the Austin Regional Intelligence Center (ARIC) and the Fusion Center within the ARIC. Please describe how the Threat Liaison Program functions, the FY 2020-21 budget for the program, and if there are any specifics in the current Interlocal Agreement (ILA) with the 21 other ARIC participating regional jurisdictions that require the City of Austin to have the Threat Liaison Program.

RESPONSE:

Describe the responsibilities and functions of the Austin Regional Intelligence Center (ARIC)

The Austin Regional Intelligence Center (ARIC) is a Department of Homeland Security recognized fusion center, which is a collaborative effort of public safety agencies in the Capital Area Council of Governments (CAPCOG). The ARIC (which is managed by the Austin Police Department) has been in operation since December 15, 2010 and is comprised of approximately 21 law enforcement agencies with 7 more joining in the near future. The ARIC "Area of Responsibility" (AOR) is comprised of Travis, Hays, Williamson, Burnet, Blanco, Llano, Bastrop, Fayette, Lee, and Caldwell counties.

The ARIC strives to better protect the public by providing a centralized, comprehensive, multi-agency criminal information and intelligence-sharing network that enhances the operational effectiveness and efficiency of law enforcement and public safety agencies involved by maximizing the region's ability to detect, prevent, apprehend, and respond to criminal and terrorist activity. The ARIC has over 800 schools in its AOR and is heavily involved with preventing and/or mitigating threats of mass casualty.

Membership into the ARIC provides partners with the following:

- **Training for agency analysts and officers.** Training provided by the ARIC to partner law enforcement agencies includes interview and interrogation, social networking sites investigation, cell phone investigations, threat briefings, analytical seminars, and more.
- **Timely situational awareness and communication.** The Threat Liaison Officer Program is a network of over 1,200 law enforcement, public safety, and private sector personnel who have been trained on recognizing and reporting indicators of domestic and international terroristic behavior.
- **Assistance with requests for analysis and information.** ARIC offers analytical support and training for analysts to better serve partner agencies. Vetted analysts and officers are invited to regularly sit at the ARIC to gain immediate access to valuable tools and resources.

Describe How the Threat Liaison Program Functions

Threat Liaison Officer Program

The ARIC Threat Liaison Officer (TLO) Program was created for law enforcement and first responder agencies throughout the Central Texas region in order to strengthen information sharing and enhance multi-jurisdiction partnerships. The program was developed to provide participants an effective means of sharing information related to local, regional, and global criminal threats, suspicious activity, and large-scale incidents.

A TLO is any peace officer, firefighter, state investigator, federal agent, and military personnel, representing anyone working closely within the public safety or homeland security community who has been properly certified through the ARIC TLO training program.

The TLO program is coordinated by ARIC and structured to provide a collaborative mechanism for receiving, analyzing, and disseminating relevant information. This unified approach provides participants with the ability to combine resources while developing consistent methods and procedures that will provide enhanced emergency response capabilities.

Participants will be trained in situational recognition, information analysis and dissemination, threat vulnerabilities, and domestic/international terrorism. This network will work to ensure that vital disciplines participate in the fusion process and serve as the conduit through which homeland security and crime-related information flow to the fusion center for assessment and analysis. The network also serves as the vehicle to carry actionable intelligence from the national level and the regional fusion centers to field personnel.

The TLO Program promotes the involvement of selected individuals working together with every first responder and participating private sector representative in a comprehensive prevention program. The mission of the TLO is to better protect the public by serving as a liaison between public safety agencies, the public/private sectors, and the community, in an effort to enhance awareness of suspicious behavior related to criminal and terrorist activities. The Threat Liaison Officer will be a direct point of contact at the local level and serve as a key point of reference for all stakeholders in the Central Texas region. The TLO may participate in this information sharing network by assisting with some of the following:

- Report relevant field information from his/her local area
- Disseminate information to field officers during roll call or team meetings

What is the FY 2020-21 budget for the program?

The budget for the TLO Program for FY 2020-2021 is \$20,000 of grant funds and \$15,000 of sustainment funds.

Are any specifics in the current Interlocal Agreement (ILA) with the 21 other ARIC participating regional jurisdictions that require the City of Austin to have the Threat Liaison Program?

No, the ARIC's ILA does not require the City of Austin to have a TLO Program. However, according to the Baseline Capabilities for State and Major Urban Area Fusion Center: A Supplement to the Fusion Center Guidelines, one of the baseline capabilities of a fusion center is information gathering/collection recognition of indicators and warnings. "The stage in which the planning and requirements development stage becomes operational...information is collected from various sources, including law enforcement agencies, public safety agencies, and the private sector. This stage is essential for fusion centers to be effective."—Guideline 1, Fusion Center Guidelines, p. 21. Within the same document, "fusion centers shall develop, implement, and maintain an information gathering and reporting strategy that leverages existing capabilities and shall identify methods for communicating information requirements and the overall information-gathering strategy to partners, to include any applicable fusion liaison officers [threat liaison officers]."The ARIC's reporting strategy consists of the TLO Program that trained individuals on federal standards in reporting suspicious activity related to terrorism and other related criminal activity. Additionally, the ARIC participates in the federal Nationwide Suspicious Activity Reporting (SAR) Initiative (NSI).

What is the Nationwide Suspicious Activity Reporting (SAR) Initiative (NSI)?

The NSI is a joint collaborative effort by the U.S. Department of Homeland Security, the Federal Bureau of Investigation, and state, local, tribal, and territorial law enforcement partners. This initiative provides law enforcement with another tool to help prevent terrorism and other related criminal activity by establishing a national capacity for gathering, documenting, processing, analyzing, and sharing SAR information.

The NSI is a standardized process—including stakeholder outreach, privacy protections, training, and technology assistance—for identifying and reporting suspicious activity in jurisdictions across the country and also serves as the unified focal point for sharing SAR information.

The NSI is an outgrowth of a number of separate but related activities over the last several years that respond directly to the mandate to establish a unified process for reporting, tracking, and accessing SAR information in a manner that rigorously protects the privacy, civil rights, and civil liberties of Americans. The NSI requires each participating fusion center to consider privacy throughout the SAR process by fully adopting the NSI Privacy Protection Framework.

Of note, the NSI program is similar to a Crime Stoppers program where it allows the public to provide information about criminal activity. However, the NSI program focuses specifically on suspicious activity connected to terrorism and other related criminal activity and there is no monetary incentive for reporting such information.

Grant Compliance

All designated fusion centers, such as the ARIC, must comply with the Homeland Security Grant Program (HSGP) requirements to receive grant funds. One of the imperative requirements is to develop, implement and maintain privacy, civil rights, and civil liberties (P/CRCL) protections, including implementing a P/CRCL policy, conducting compliance review and audits, and ensuring

all staff receive initial and annual P/CRCL training. Also, all staff must be trained on 28 Code of Federal Regulation (C.F.R.) Part 23 and adhere to this federal law.

As stated in the ARIC Privacy Policy, “the ARIC will not seek, collect or retain information about an individual or organization, and originating agencies will not submit such information, solely on the basis of religious, political, or social views or activities; participation in a particular organization or event; or race, ethnicity, citizenship, place of origin, age, disability, gender, or sexual orientation. Further, these factors will not be considered as factors that create suspicion, except if used as part of a specific suspect description.”

As for 28 C.F.R Part 23, the federal law states “a project [the ARIC] shall not collect or maintain criminal intelligence information about the political, religious or social views, associations, or activities of any individual or any group, association, corporation, business, partnership, or other organization unless such information directly relates to criminal conduct or activity and there is reasonable suspicion that the subject of the information is or may be involved in criminal conduct or activity.” Furthermore, 28 C.F.R Part 23 prohibits the sharing of criminal intelligence information with non-law enforcement or some homeland security agencies. The only homeland security agencies deemed as authorized recipients of criminal intelligence information is defined by U.S. Department of Justice, Office of Justice Programs, legal opinions that federal and state homeland security agencies engage in “law enforcement activity,” as that term is used in 28 CFR §23.20(e).

In conclusion

The ARIC has implemented national best practice policies and federal guidelines that protect an individual’s privacy, civil rights, and civil liberties (P/CRCL). We take this matter very seriously, ensuring that ARIC personnel understand the importance of P/CRCL during our annual Privacy Policy training conducted by our City Legal. As John Anderson, a reporter for the Austin Chronicle stated, “ARIC is governed by a Privacy Policy which is relatively progressive compared to other fusion centers.” On a frequent basis, we continue to revisit our Privacy Policy with the ARIC Privacy Policy Advisory Committee (Committee) which was updated in February 2019 with changes proposed by the Committee. The Committee is made up of the following: a community advocate, as selected by the City of Austin; a licensed attorney, as selected by Hays County; an information privacy advocate, as selected by the City of Round Rock; a criminal justice expert, as selected by Travis County; and a law enforcement expert, as selected by Williamson County.